

Court that the Said Richard Smith Should recover against the said Thomas Brooke Seventeen Hundred [812] And fifteen Pounds of Tobacco by the said Court Adjudged Unto him for his Costs and Charges Accruing by Ocation of the said Thomas Brooke's appearing to the Writt of Attachment in the plea afs^d etc: As by the said Severall Records and Proceedings thereof herein the said Provinciaall Court Now remaining of Record More fully Appears Which Said Sum of Two Hundred and forty Eight Pounds Sterling So Recovered by the judgment Afores^d by the said Richard Smith against the said Thomas Brooke is Part of the said Sum of two Hundred and forty Eight pounds Seventeen shillings and Six Pence Sterling Mentioned in the Condition of the Writing Obligatory afores^d And alledged by the Plea afs^d to be paid by the said Thomas Brooke to the Said Macnemara and not any Part of any other or Different Sum of Money And which Said Sum of Two Hundred and forty Eight Pounds Sterl: So Recovered by the said Richard Smith Against the said Thomas Brooke he the Said Thomas After the said judgment So Obtained afs^d Viz: the fifth Day of May in the Year of Our Lord Seventeen Hundred and Twenty Six In Ann Arundell County Afs^d for the Avoiding any further Costs Charges and Damages Did Pay and Satisfie Unto the said Richard Smith And this he the said Thomas Brooke is ready to Verifie Wherefore he Prays judgment and his Debt afs^d Together with his Damage Occationed by the Detention of his Debt to be Adjudged to him etc:

And the said Michⁿ Macnemara Saith that the Plea Afs^d by him the Said Thomas Brooke in Manner and form Afs^d Above by replying pleaded and the Matter in the same Contained are insufficient in Law for the Said Thomas Brooke to have and Maintain the Action afores^d thereof against the said Michⁿ Macnemara to Which the said Michⁿ Mⁿemara hath no need nor by the Law of the Land is he in Anywise to answer and this he is ready to Verifie. Wherefore for want of a Sufficient Replication in this Part the Same Michⁿ Macnemara As before Prayeth judgment And that the afs^d Thomas Brooke from his Action afores^d thereof against him the Said Michⁿ Macnemara having may be Precluded etc: And the said Thomas Brooke for that he hath above in his Replication Pleaded alledged Sufficient Matter in Law to have and Maintain his Action Afs^d Against the Afs^d Michⁿ Mⁿemara Which he is ready to veryfie Which Matter the afs^d Michⁿ Macnemara Doth not Gainsay Nor thereunto in Anywise Answer But that Averment to Admitt hath Altogether refused the same Thomas Brooke Prays judgment for his Debt Afs^d together With his Damages Sustained by Ocation of Detaining the same Debt to him to be Adjudged etc:

Whereupon all and Singular the Premisses being by the Court here seen heard and fully Understood and Mature Deliberation thereupon had for that it [813] Seems to the Court here that the said Thomas Brooke hath above in his Replication Pleaded Alledged Sufficient Matter in Law his Action afores^d Against the afores^d Michⁿ Macnemara to have and Maintain.